

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

**The Development of Operational,
Technical and Spectrum Requirements
For Meeting Federal, State and Local
Public Safety Agency Communication
Requirements Through the Year 2010**

**Establishment of Rules and Requirements
For Priority Access Service**

WT Docket No. 96-86

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To: The Commission

**REPLY COMMENTS
OF THE
AMERICAN PETROLEUM INSTITUTE**

The American Petroleum Institute ("API"), by its attorneys and pursuant to Section 1.415 of the Rules and Regulations of the Federal Communications Commission ("Commission"), respectfully submits the following Reply Comments regarding Comments submitted by other participants in this matter in response to the Third Notice of Proposed Rule Making released by the Commission on September 29, 1998.^{1/} API strongly supports the Commission's goal of facilitating seamless interoperability nationwide, but is strongly concerned that regional or state management of the 2.6 MHz interoperability spectrum in the 700 MHz band may compromise the national nature, and

^{1/} 63 Fed. Reg. 58645 (Nov. 2, 1998).

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use, of the interoperability channels. Similarly, with the 8.8 MHz reserved spectrum, API emphasizes the need for national standards for equipment specifications and licensing procedures.

I. PRELIMINARY STATEMENT

1. API is a national trade association representing approximately 350 companies involved in all phases of the petroleum and natural gas industries, including exploration, production, refining, marketing, and transportation of petroleum, petroleum products and natural gas. Among its many activities, API acts on behalf of its members as spokesperson before federal and state regulatory agencies. The API Telecommunications Committee is one of the standing committees of the organization's Information Systems Committee. The Telecommunications Committee evaluates and develops responses to state and federal proposals affecting telecommunications facilities used in the petroleum and natural gas industries.

2. Reliable two-way land mobile radio communications systems are essential tools in almost every phase of the petroleum and natural gas industries. These communications must be maintained during exploration activities, after oil and gas production is established for the management of individual wells, as well as entire fields

and pipeline gathering systems, and for the safe and efficient operation of long-distance, crude, petroleum products and natural gas pipelines. These same types of reliable communications are absolutely critical in petroleum refineries where the safety of personnel and adjacent populations, including the surrounding environment, demand clear channels of communication. Even in the marketing and distribution of these energy sources, mobile radio continues to play an important role in the transfer of natural gas at city gates, and the loading and delivery by rail, tank trucks and marine vessels of refined petroleum products to industrial, commercial and residential customers. Even though these systems are used along with the employment of other precautions to avoid emergency incidents, there are occasions that require emergency responses by these companies as well as by public safety agencies. Interoperable telecommunications systems can make a significant contribution to an effective response.

3. Another important use of spectrum by API members is a limited allocation for oil spill containment and cleanup operations. This allocation includes two low band, four VHF, and a single pair of UHF channels. 47 C.F.R. § 2.106, n. NG 112. Although this allocation has provided the core of emergency communications response packages for many years and has been sufficient in some instances, it is woefully inadequate for a major incident. To make matters worse, the Commission has proposed to allocate one-half of the UHF oil spill containment channel pair to the Non-Voice, Non-Geostationary

Mobile Satellite Services ("Little LEOs").^{2/} API has repeatedly sought an adequate spectrum allocation for use in responding to these types of emergency situations.^{3/}

II. REPLY COMMENTS

4. API applauds the Commission's decision reflected in the First Report and Order to designate 2.6 MHz of spectrum in the newly-reallocated public safety band at 764-776 MHz and 794-806 MHz ("700 MHz band") for interoperability purposes and to provide for its licensing and use by non-government organizations ("NGOs") approved by an appropriate state or local government entity. API is concerned though that some NGOs, including many of its members who could both benefit and make a significant contribution to the public's welfare from use of the interoperability spectrum to respond to emergency and mutual aid situations, will not be able to easily access these newly-designated interoperability channels. API agrees with UTC that the FCC should instruct RPCs to accommodate the interest of non-government entities now eligible to be licensed

^{2/} See Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to the Second Processing Round of the Non-Voice, Non-Geostationary Mobile Satellite Service, IB Docket No. 96-220, *Notice of Proposed Rule Making* (Oct. 29, 1996); Amendment of Part 2 of the Commission's Rules to Allocate the 455-456 MHz and 459-460 MHz Bands to the Mobile-Satellite Service, ET Docket No. 97-214, *Notice of Proposed Rule Making* (Oct. 14, 1997).

^{3/} For example, see API Comments in Gen. Docket No. 90-314 at ¶¶ 62-81 (October 1, 1990).

in the 700 MHz public safety band (UTC Comments at p.3). Several commenters advocate Regional Planning Committee ("RPC") management of the reserved and the interoperability spectrum^{4/} while others support state licensing of the this spectrum^{5/}, and at least one party requested that use of the reserved spectrum be determined by the National Coordination Committee ("NCC")^{6/}. API is concerned that, in selecting a spectrum management and licensing process for the interoperability spectrum, unencumbered nationwide use of interoperability channels or other channels dedicated for emergency response not be compromised.

^{4/} See Comments of the National League of Cities at pp. 10-15 (supports licensing of the reserved spectrum by RPC process, but supports licensing of the 2.6 MHz interoperability spectrum to states, p. 16); Comments of Region-20 800 MHz Public Safety Legislative/Regulatory Affairs Committee at p. 4; Comments of the Association of Public-Safety Communications Officials-International, Inc. at p. 3; Comments of the State of California at p. 2 (recommends the reserved spectrum be licensed through the RPC process with certain portions set aside for statewide and for other wide area, multi-jurisdictional radio systems); Comments of the County of Los Angeles at p. 2.

^{5/} See Comments of the National League of Cities at p. 16 (supports state licensing of the interoperability spectrum); Joint Comments of American Association of State Highway and Transportation Officials, Forestry Conservation Communications Association, International Association of Fire Chiefs, Inc., International Association of Fish and Wildlife Agencies, International Municipal Signal Association and National Association of State Foresters at p. 3 ("support the Commission's proposal to designate the 8.8 MHz of reserve spectrum for statewide systems and state planning . . ."); Comments of UTC at pp. 1-2..

^{6/} Comments of the Federal Law Enforcement Wireless Users Group at p. 3.

5. In its Comments filed in response to the Third Notice of Proposed Rule Making, API emphasized the need for the designation of at least 20 channel pairs for nationwide use by mutual aid organizations in emergency situations such as oil spills. API explained that many of its members have emergency response equipment, including telecommunications facilities, assembled and stored in shipping containers and/or vehicles for expedited transport to an incident site, regardless of its geographic location. Seamless use of these types of emergency response communication equipment packages with facilities contributed by other organizations, anywhere throughout the country, both onshore and offshore, requires national standards for equipment specifications and licensing procedures. While the RPC process may be a familiar means to manage public safety spectrum, API again emphasizes that national criteria are absolutely essential to ensure unencumbered nationwide use of those channels dedicated for emergency response.

6. Regardless of the licensing process ultimately adopted by the Commission, API urges the Commission to provide eligible public safety entities and NGOs, such as oil and gas companies with responsibility for safety and the environment, reasonable access to nationwide seamless interoperability channels. Accordingly, API urges the Commission to adopt a flexible licensing process for GOs and NGOs, including API members who require interoperable communications to respond to emergency and mutual aid situations or to participate in emergency preparedness drills. A multi-layered

licensing process would make it confusing and time and labor consuming for NGOs, like API members who wish to use the 700 MHz band to respond to emergency situations or in mutual aid situations, to obtain authorization to use the 700 MHz interoperability channels.

7. Again, regardless of the licensing process adopted by the Commission, API strongly urges the Commission to facilitate national oversight of any regional processes so as to insure the adoption and implementation of national standards. API also encourages the Commission to provide for participation in any such process by eligible NGOs and their industry organizations.

8. There is a need for interoperability channels for NGOs with responsibility for safety and the environment to respond with GOs to real life emergency situations or to participate in drill exercises under an Incident Command System ("ICS") with GOs. The ICS process requires that multiple organizations blend into one for the duration of the event. Radio communications are sometimes handled by either the NGO or the GO loaning the other equipment, or by letting a common radio operator relay messages. There have also been some reported instances where either the NGO or the GO has allowed the other organization to operate equipment under the host's license. These arrangements have worked fairly well except that there has been a shortage of interoperability spectrum for oil and gas companies to be able to pre-program equipment

on the response frequencies and be prepared to respond immediately to an emergency situation or to participate in ICS drills aimed at preventing emergency situations. Having 20 or more channels at 700 MHz for interoperability that can be pre-authorized will be a valuable resource. However, these channels must also be available for emergency response drills or practices. API again urges the Commission to include this important use in its final rules and, if needed, to dedicate a portion of the 8.8 MHz of reserved spectrum for interoperability.

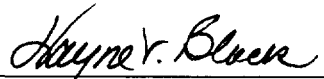
III. CONCLUSION

9. API recommends that the Commission provide a flexible licensing process for the 700 MHz band so that any eligible entity, including NGOs like API members, can easily be licensed to use the interoperability channels to respond to incidents anywhere throughout the United States, including all coastal areas. API restates its recommendation that a portion of the 2.6 MHz of interoperable spectrum targeted in the Order be designated for emergency response use by mutual aid organizations and other eligible entities. National criteria should be developed for these types of deployments, including use of the interoperable channels for training and drill exercises.

WHEREFORE, THE PREMISES CONSIDERED, the American Petroleum Institute respectfully urges the Federal Communications Commission to act in a manner fully consistent with the views expressed herein.

Respectfully submitted,

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